UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,763	08/19/2003	Hiroshi Shishido	9333-350	3909

7590 11/15/2006	**EXAMINER**
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ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/643,763	SHISHIDO ET AL.
	Examiner	Art Unit	
	Charles Shedrick	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 September 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>8/19/03</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All   b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 9/26/06 has been entered.

Response to Arguments

2.   ·   Applicant's arguments with respect to **claims 1-18** have been considered but are moot in

view of the new ground(s) of rejection.

3.   Applicant's arguments regarding **claims 19-20** filed 9/26/06 have been fully considered

but they are not persuasive.

4.   In response to applicant's argument that Himmelstein does not teach an importance level

determiner for ...or an information to be sent decider for...a recitation of the intended use of the

claimed invention must result in a structural difference between the claimed invention and the

prior art in order to patentably distinguish the claimed invention from the prior art. If the prior

art structure is capable of performing the intended use, then it meets the claim. The Examiner

respectfully notes that at least the Microprocessor is capable of determining the importance level

regarding the necessity for communication and deciding on information to be sent. Himmelstein

supports the basis by showing at least priority as discussed on page 5 of the previous arguments

of the examiner.

Therefore, the rejection regarding independent claim 19 and dependent claim 20 is maintained as

proper.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

6.   The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness
        or nonobviousness.

7.   This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c)

and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims **1,5,6, and 9** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Nitadori**

(US Patent No.: 5,875,183) in view of **Montague US Patent Pub. No.: 2002/0026266 A1.**

Consider **claim 1**, Nitadori teaches an automatic method for communication among mobile units, comprising the processing acts of: acquiring information from another mobile unit through a physical network (**abstract, col. 5 lines 60-65, and col. 13 lines 7-46**); registering a mobile unit as a member of a virtual logic network if the mobile unit satisfies a predetermined condition associated with the virtual logic network by referring to the acquired information of the mobile unit (i.e., mobile units are registered in various routing tables and address database based on the condition or information in the packet. The routers can use this information to register the source or destination as part of the network based on conditions such as traffic management. Nitadori also noted that the router uses common routing protocols that are well known in the art) (**col. 5 line 60 – col. 6 line 60, col. 10 line 65- col. 12 line 15, col. 18 lines 34-40, and col. 14 line 49 – col. 16 line 7**); Monitoring at least one of the environment and a condition associated with a mobile unit for a predetermined event (i.e., Nitadori monitors at least one of the environment associated with a mobile a mobile unit for a predetermined event. The environment being at least broadly interpreted as the network environment. The predetermined event being at least broadly interpreted as any event required by the network that causes updates and changes) (**col. 5 line 60 – col. 6 line 60, col. 10 line 65- col. 12 line 15, col. 18 lines 34-40, and col. 14 line 49 – col. 16 line 7**); selecting an appropriate virtual logic network according to a monitored event when the event takes place (**col. 5 line 60 – col. 6 line 8, col. 14 line 49 –col. 15 line 15**), selecting a communicating party from among the members of the selected virtual logic network and communicating with the selected party (**col. 5 line 60 – col. 6 line 8, col. 14 line 49 –col. 15 line 15**).

However, Nitadori does not specifically teach Automatically selecting.

In analogous art Montague teaches Automatically selecting (i.e., see at least paragraph 0026).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to modify Nitadori to include automatically selecting as taught by

Montague for the purpose of emergency. Montague further teaches monitoring conditions

associated with the driver (abstract, paragraph 0019) and automatically selecting the appropriate

P/EMS (i.e., which also reads on emergency "network" or "environment")(paragraphs 0008,

0011, and 0021).

Consider **claim 5**, Nitadori teaches an automatic method for communication among

mobile units, comprising the processing acts of: acquiring information from another mobile unit

through a physical network (**abstract, col. 5 lines 60-65, and col. 13 lines 7-46**); defining a

plurality of virtual logic networks, wherein each virtual logic network is associated with a

different predetermined condition for membership (i.e., see at least references to the group

number of **figure 10D**. a predetermined condition being at least the position of the vehicle)

registering a mobile unit as a member of a virtual logic network if the mobile unit satisfies the

predetermined condition associated with the virtual logic network by referring to the acquired

information of the mobile unit (i.e., mobile units are registered in various routing tables and

address database based on the condition or information in the packet. The routers can use this

information to register the source or destination as part of the network based on conditions such

as traffic management. Nitadori also noted that the router uses common routing protocols that

are well known in the art) (**col. 5 line 60 – col. 6 line 60, col. 10 line 65- col. 12 line 15, col. 18

lines 34-40, and col. 14 line 49 – col. 16 line 7**); Monitoring at least one of the environment and

a condition associated with a mobile unit for a predetermined event (i.e., Nitadori monitors at

least one of the environment associated with a mobile a mobile unit for a predetermined event.

The environment being at least broadly interpreted as the network environment. The

predetermined event being at least broadly interpreted as any event required by the network that

causes updates and changes) **(col. 5 line 60 – col. 6 line 60, col. 10 line 65- col. 12 line 15, col.

18 lines 34-40, and col. 14 line 49 – col. 16 line 7)**; selecting one virtual logic network from

among the plurality of virtual logic networks on the basis of an environment or situation change

(col. 5 line 60 – col. 6 line 8, col. 14 line 49 –col. 15 line 15); and setting the selected virtual

logic network as an active network(i.e., once the network or group is selected active

communication can take place which qualifies the network as active)**(col. 5 line – col. 6 line 8,

col. 14 line 49 –col. 15 line 15)**.

However, Nitadori does not specifically teach Automatically selecting.

In analogous art, Montague teaches Automatically selecting (**i.e., see at least paragraph 0026**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to modify Nitadori to include automatically selecting as taught by

Montague for the purpose of emergency. Montague further teaches monitoring conditions

associated with the driver (abstract, paragraph 0019) and automatically selecting the appropriate

P/EMS (i.e., which also reads on emergency "network" or "environment")(paragraphs 0008,

0011, and 0021).

Consider **claim 6 and as applied to the method for communication among mobile

units according to claim 5**, Nitadori as modified by Montague teaches wherein the act of

registering members further comprises: receiving information for specifying a mobile unit

identity and a condition from a mobile unit **(col. 5 line 60 – col. 6 line 43, col. 9 lines 50 – line**

65, col. 10 line 65 –col. 12 line 44, col. 14 line 49- col. 16 line 18, and col. 17 line 42 – col. 18

line 43), and referring to the received information, and if the mobile unit satisfies any one of

various conditions, then registering the mobile unit as a network member of a virtual network

based on the condition (i.e., mobile units are registered in various routing tables and address

database based on the condition or information in the packet. The routers can use this

information to register the source or destination as part of the network based on conditions such

as traffic management. Nitadori also noted that the router uses common routing protocols that

are well known in the art) (col. 5 line 60 – col. 6 line 60, col. 10 line 65- col. 12 line 15, col. 18

lines 34-40, and col. 14 line 49 – col. 16 line 7).

Consider claim 9 and as applied to the method for communication among mobile

units according to claim 5, Nitadori as modified by Montague teaches wherein a particular

member is selected from among the members constituting the active network on the basis of an

environment or situation change of the driver or vehicle or in response to a driver's request (col.

5 line 60– col. 6 line 8, col. 14 line 49 –col. 15 line 15), and a connection to the selected member

is established to communicate with the member (col. 5 line60 – col. 6 line 8, col. 14 line 49 –col.

15 line 15).

Claims 2-4,7-8,10-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nitadori

(US Patent No.: 5,875,183) in view of Montague US Patent Pub. No.: 2002/0026266 A1 and

further in view of Himmelstein (U.S. Patent No.: 6,647,270).

Consider claim 10, Nitadori teaches a vehicular communication apparatus mounted on a

vehicle to communicate with another mobile unit, comprising: an information acquirer 22 (i.e.,

the terminals of figure 2) for acquiring information from another mobile unit through a physical

network (**abstract, col. 5 lines 60-65, and col. 13 lines 7-46**); a registrar 20 (**i.e., the router of**

figure 2) for registering, in a member table (i.e., tables in the router or the tables in the directory

that are built using information from the router), a mobile as a member of a virtual logic network

if the mobile unit satisfies a predetermined condition associated with the virtual logic network by

referring to the acquired information of the mobile unit (i.e., mobile units are registered in

various routing tables and address database based on the condition or information in the packet.

The routers can use this information to register the source or destination as part of the network

based on conditions such as traffic management. Nitadori also noted that the router uses

common routing protocols that are well known in the art) (**col. 5 line 60 – col. 6 line 60, col. 10**

line 65- col. 12 line 15, col. 18 lines 34-40, and col. 14 line 49 – col. 16 line 7); an

environment/condition monitor for monitoring at least one of the environment or condition or a

driver or vehicle for a predetermined event (i.e., Nitadori monitors at least one of the

environment associated with a mobile a mobile unit for a predetermined event. The environment

being at least broadly interpreted as the network environment. The predetermined event being at

least broadly interpreted as any event required by the network that causes updates and changes)

(**col. 5 line 60 – col. 6 line 60, col. 10 line 65- col. 12 line 15, col. 18 lines 34-40, and col. 14**

line 49 – col. 16 line 7); a driver or vehicle a communicating party selector 22 (i.e., also see

terminal 22 of figure 2 which has the ability to acquire and select) for selecting a

communicating party by using the table of the virtual logic networks according to a monitored

event when the event takes place and communicating with the selected party(**col. 5 line 60 – col.**

6 line 8, col. 14 line 49 –col. 15 line 15).

However, Nitadori does not specifically teach Automatically selecting.

In analogous art, Montague teaches Automatically selecting (**i.e., see at least paragraph 0026**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Nitadori to include automatically selecting as taught by Montague for the purpose of emergency. Montague further teaches monitoring conditions associated with the driver (abstract, paragraph 0019) and automatically selecting the appropriate P/EMS (i.e., which also reads on emergency "network" or "environment")(paragraphs 0008, 0011, and 0021).

However, Nitadori as modified by Montague does not specifically teach vehicular communication apparatuses mounted in vehicles.

In the same field of endeavor, Himmelstein teaches vehicular communication apparatuses mounted in vehicles **46 (figure 2) (col. 3 line 50- col. 4 line 21)**.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify as modified by Montague to include a vehicular communication apparatus mounted in the vehicle as taught by Himmelstein for the purpose of providing Audio and Visuals relating to the communication of vehicles to the occupants.

Consider claim 14, Nitadori teaches a vehicular communication apparatus mounted on a vehicle to communicate with another mobile unit, comprising: an information acquirer for acquiring information from another mobile unit through a physical network (**abstract, col. 5 lines 60-65, and col. 13 lines 7-46**); defining a plurality of virtual logic networks, wherein each virtual logic network is associated with a different predetermined condition for membership (i.e., see at least references to the group number of **figure 10D**. a predetermined condition being at

least the position of the vehicle) a registrar registering a mobile unit as a member of a virtual

logic network if the mobile unit satisfies a predetermined condition associated with the virtual

logic network by referring to the acquired information of the mobile unit (i.e., mobile units are

registered in various routing tables and address database based on the condition or information in

the packet. The routers can use this information to register the source or destination as part of the

network based on conditions such as traffic management. Nitadori also noted that the router uses

common routing protocols that are well known in the art) (**col. 5 line 60 – col. 6 line 60, col. 10

line 65- col. 12 line 15, col. 18 lines 34-40, and col. 14 line 49 – col. 16 line 7**); a monitor for

monitoring at least one of the environment or situation of a driver or a vehicle (i.e., Nitadori

monitors at least one of the environment associated with a mobile a mobile unit for a

predetermined event. The environment being at least broadly interpreted as the network

environment. The predetermined event being at least broadly interpreted as any event required

by the network that causes updates and changes) (**col. 5 line 60 – col. 6 line 60, col. 10 line 65-

col. 12 line 15, col. 18 lines 34-40, and col. 14 line 49 – col. 16 line 7**); and a communicating

party selector for selecting a particular virtual logic network from the plurality of virtual logic

networks on the basis of an environment or situation change (**col. 5 line 60 – col. 6 line 8, col. 14

line 49 –col. 15 line 15**), setting the selected virtual logic network as an active network(i.e., once

the network or group is selected active communication can take place which qualifies the

network as active) (**col. 5 line – col. 6 line 8, col. 14 line 49 –col. 15 line 15**), and selecting a

communicating party to effect communication with the selected party(**col. 5 line 60 – col. 6 line

8, col. 14 line 49 –col. 15 line 15**).

However, Nitadori does not specifically teach Automatically selecting.

In analogous art, Montague teaches Automatically selecting (i.e., **see at least paragraph 0026**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Nitadori to include automatically selecting as taught by Montague for the purpose of emergency. Montague further teaches monitoring conditions associated with the driver (abstract, paragraph 0019) and automatically selecting the appropriate P/EMS (i.e., which also reads on emergency "network" or "environment")(paragraphs 0008, 0011, and 0021).

However, Nitadori as modified by Montague does not specifically teach vehicular communication apparatuses mounted in vehicles.

In the same field of endeavor, Himmelstein teaches vehicular communication apparatuses mounted in vehicles **46 (figure 2) (col. 3 line 50- col. 4 line 21)**.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify as modified by Montague to include a vehicular communication apparatus mounted in the vehicle as taught by Himmelstein for the purpose of providing Audio and Visuals relating to the communication of vehicles to the occupants.

Consider **claim 2** and as applied to the method for communication among mobile units according to claim 1, Nitadori as modified by Montague teaches wherein the act of registering a member creates a member table for registering members of networks in association with the virtual logic networks (i.e., mobile units are registered in various routing tables and address database based on the condition or information in the packet. The routers can use this information to register the source or destination as part of the network based on conditions such

as traffic management. Nitadori also noted that the router uses common routing protocols that are well known in the art) (**col. 5 line 60 – col. 6 line 60, col. 10 line 65- col. 12 line 15, col. 18 lines 34-40, and col. 14 line 49 – col. 16 line 7**), and the act of selecting a communicating party further comprises using the member table of the virtual logic networks to perform communication with the selected party (**col. 5 line 60– col. 6 line 8, col. 14 line 49 –col. 15 line 15**).

However, Nitadori as modified by Montague does not specifically teach also creating a resource table for registering a capability of each member and the act of selecting a communicating party further comprises using the resource table to perform communication with the selected party.

In the same field of endeavor, Himmelstein teaches creating a resource table (i.e., a log) for registering (i.e., logging) a capability of each member and the act of selecting a communicating party further comprises using the resource table to perform communication with the selected party (**col. 9 line 45-col. 10 line 40**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Nitadori as modified by Montague to include the teachings of Himmelstein for the purpose of specifying groups in which communication may be directed and to prevent flooding of information to other users that may not interested.

Consider **claim 3** and as applied to the method for communication among mobile units according to claim 1, Nitadori as modified by Montague teaches wherein the physical network is formed by exchanging predetermined information among vehicular communication apparatuses

mounted **on individual vehicles (col. 5 line 60 – col. 6 line 60, col. 10 line 65- col. 12 line 15, col. 18 lines 34-40, and col. 14 line 49 – col. 16 line 7).**

However, Nitadori as modified by Montague does not specifically teach vehicular communication apparatuses mounted in vehicles.

In the same field of endeavor, Himmelstein teaches vehicular communication apparatuses mounted in vehicles **46** (**figure 2**) (**col. 3 line 50- col. 4 line 21**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Nitadori as modified by Montague to include a vehicular communication apparatus mounted in the vehicle as taught by Himmelstein for the purpose of providing Audio and Visuals relating to the communication of vehicles to the occupants.

Consider **claim 4**, and as applied to the method for communication among mobile units **according to claim 3**, Nitadori as modified by Montague and further modified by Himmelstein teaches wherein the predetermined information includes at least the identity and position of a mobile unit (**col. 5 line 60 – col. 6 line 43, col. 9 lines 50 – line 65, col. 10 line 65 --col. 12 line 44, col. 14 line 49- col. 16 line 18, and col. 17 line 42 – col. 18 line 43**).

Consider **claims 7 and 16** and as applied to the method for communication among mobile units **according to claim 4** and **the vehicle apparatus according to claim 14**, Nitadori as modified by Montague teaches wherein the act of registering members further comprises registering members in virtual logic networks to which they belong in association with the network members (**col. 5 line 60 – col. 6 line 60, col. 10 line 65- col. 12 line 15, col. 18 lines 34-40, and col. 14 line 49 – col. 16 line 7**).

However, Nitadori as modified by Montague does not specifically teach registering the capabilities of members.

In the same field of endeavor, Himmelstein teaches registering (i.e., based on logging) the capabilities of members (**col. 9 line 45-col. 10 line 40**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Nitadori as modified by Montague to include the teachings of Himmelstein for the purpose of specifying groups in which communication may be directed and to prevent flooding of information to other users that may not interested.

Consider **claim 8 and 17** as applied to the method for communication among mobile units according to claim 7 and the vehicular apparatus of claim 14, Nitadori as modified by Montague teaches wherein a member table for registering members of the networks (**col. 5 line 60 – col. 6 line 60, col. 10 line 65- col. 12 line 15, col. 18 lines 34-40, and col. 14 line 49 – col. 16 line 7**) are created in association with virtual logic networks.

However, Nitadori as modified by Montague does not specifically teach a resource table for registering a capability of each member.

In the same field of endeavor, Himmelstein teaches a resource table (i.e., from the log) for registering a capability of each member (**col. 9 line 45-col. 10 line 40**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Nitadori as modified by Montague to include the teachings of Himmelstein for the purpose of specifying groups in which communication may be directed and to prevent flooding of information to other users that may not interested.

Consider **claim 11** and as applied to the vehicular communication apparatus according to claim 10, Nitadori as modified by Montague teaches wherein the registrar further creates a table for registering the members in virtual logic networks to which they belong (i.e., mobile units are registered in various routing tables and address database based on the condition or information in the packet. The routers can use this information to register the source or destination as part of the network based on conditions such as traffic management. Nitadori also noted that the router uses common routing protocols that are well known in the art) (**col. 5 line 60 – col. 6 line 60, col. 10 line 65- col. 12 line 15, col. 18 lines 34-40, and col. 14 line 49 – col. 16 line 7**), and the communicating party selector carries out communication by using the member table of virtual logic networks according to an event when the event takes place (**col. 5 line 60 – col. 6 line 8, col. 14 line 49 –col. 15 line 15**).

However, Nitadori as modified by Montague does not specifically teach also creating a resource table for registering a capability of each member and the act of selecting a communicating party further comprises using the resource table to perform communication with the selected party.

In the same field of endeavor, Himmelstein teaches creating a resource table (i.e., a log) for registering (i.e., logging) a capability of each member and the act of selecting a communicating party further comprises using the resource table to perform communication with the selected party (**col. 9 line 45-col. 10 line 40**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Nitadori as modified by Montague to include the teachings of Himmelstein for the purpose of specifying groups in which communication may be directed and

to prevent flooding of information to other users that may not interested.

Consider **claim 12** and as applied to claim 10, Nitadori as modified by Montague and further modified by Himmelstein teaches the vehicular communication apparatus according to claim 10, comprising an inter-vehicle transmitter/receiver **16 (figure 2a)** and an inter-vehicle controller **16 (figure 2a)** (i.e., also (**col.4 lines 66- col. 6 line 48**).

Consider **claim 13** and as applied to the vehicular communication apparatus according to claim 12, Nitadori as modified by Montague and further modified by Himmelstein teaches wherein the inter-vehicle controller has resource databases (i.e., directory service), such as a map database, a know-how database, a user profile database and an emergency database (**col. 5 lines 60-65, col. 6 lines 10-36, col. 14 lines 59-col. 15 line 15**).

Consider **claim 15** and as applied to the vehicular communication apparatus according to claim 14, Nitadori as modified by Montague and further modified by Himmelstein teaches receiving information for specifying a mobile unit identity and a condition from a mobile unit (**col. 5 line 60 – col. 6 line 43, col. 9 lines 50 – line 65, col. 10 line 65 –col. 12 line 44, col. 14 line 49- col. 16 line 18, and col. 17 line 42 – col. 18 line 43**), and referring to the received information, and if the mobile unit satisfies any one of various conditions, then registering the mobile unit as a network member of a virtual network based on the condition (i.e., mobile units are registered in various routing tables and address database based on the condition or information in the packet. The routers can use this information to register the source or destination as part of the network based on conditions such as traffic management. Nitadori also noted that the router uses common routing protocols that are well known in the art) (**col. 5 line**

60 – col. 6 line 60, col. 10 line 65- col. 12 line 15, col. 18 lines 34-40, and col. 14 line 49 – col.

16 line 7).

Consider claim 18 and as applied to the vehicular communication apparatus according to

claim 14, Nitadori as modified by Montagueand further modified by Himmelstein wherein the

communicating party selector further selects a particular member from among the members

constituting the active network on the basis of an environment or situation change of the driver

or vehicle or in response to a driver's request (col. 5 line – col. 6 line 8, col. 14 line 49 –col. 15

line 15), and establishes a connection to the selected member to communicate therewith(col. 5

line 60 – col. 6 line 8, col. 14 line 49 –col. 15 line 15).

Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Himmelstein

(U.S. Patent No.: 6,647,270) in view of (Naboulsi US Patent Pub. No.: 2003/0096593 A1)

Consider claim 19, Himmelstein teaches a vehicular communication apparatus mounted

in a vehicle to communicate with another mobile unit, comprising; an importance level

determiner for determining an importance level regarding the necessity for communication with

another mobile unit on the basis of the condition (col. 4 lines 48 – 67, col. 5 lines 32-38, and col.

14 line 62); an information-to-be-sent decider 40 (i.e., the microprocessor)(figure 2) for deciding

on information to be sent on the basis of the importance level when it is determined necessary to

communicate with another mobile unit (col. 3 lines 28 – lines 67); and an information

transmitter 32   (i.e., the RF) transceiver for wirelessly transmitting the information to be

transmitted to another mobile unit (col. 3 lines 35 –50).

However, Himmelsten does not specifically teach a sensor for detecting a physical

condition of a driver in the vehicle; a monitoring sensor for monitoring a condition in the

vehicle; a condition determiner for determining the condition of the driver on the basis of detection signals of the sensors.

In the same field of endeavor, Naboulsi teaches a sensor for detecting a physical condition of a driver **24 (see figure 3 and paragraph 0041)**; a monitoring sensor for monitoring a condition in a vehicle (**i.e., see figure 3 paragraphs 0041 –0054**); a condition determiner for determining the condition of the driver on the basis of detection signals of the sensors (**i.e., see figures 3 and 4 and paragraphs 0050-0075**).

Therefore it would have been obvious at the time the invention was made to modify the invention of Himmelstein as taught by Naboulshi for the purpose of having an integrated safety control system.

Consider **claim 20 and as applied to claim 19**, Himmelstein as modified by Naboulsi teaches the vehicular communication apparatus according to claim 19, further comprising: an information receiver **32**(i.e., the RF) for receiving information wirelessly transmitted (**col. 3 lines 35 –50**); an importance level determiner for determining the importance level of the received information (**col. 4 lines 48 – 67, col. 5 lines 32-38, and col. 14 line 62**); and an information output unit for supplying the received information if it is determined that the received information should be supplied to a user **46** (i.e., the AVI) (**col. 3 line 50- col. 4 line 21**).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Shedrick whose telephone number is (571)-272-8621. The examiner can normally be reached on Monday thru Friday 8:00AM-4:30PM.
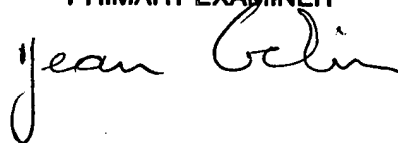
If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kincaid Lester can be reached on (571)-272-7922. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

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like assistance from a USPTO Customer Service Representative or access to the automated

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AU 2617   PRIMARY EXAMINER
November 11, 2006